

REMARKS**I. Claim Status:**

Claims 1-11 were previously withdrawn by an examiner's amendment and are now canceled without prejudice so as to comply with claim listing requirements. Claims 12-14 are pending and stand rejected. Claim 13 has been amended to conform the claim to U.S. practice. The remaining reference character recited in the claim has been deleted. No new matter has been added. Entry and consideration of the claims, as pending and as amended, are respectfully requested.

II. Rejections under 35 U.S.C. § 102(b):

Claims 12-14 stand rejected as being anticipated by Beswick (U.S. Pat. No. 5,022,165). Applicants respectfully traverse the rejection.

For a reference to anticipate a claim, each and every element of the claim has to be disclosed in the cited reference. The absence of even one element renders use of the reference improper. Beswick concerns an object sterilization apparatus that uses segmented compartments to preheat, sterilize, and cool, objects, such as bottles. *See generally, Abstract.* The system uses a series of compartment gates, fans, motors and baffles positioned in exhaust channels and operated by temperature and/or pressure sensors to maintain pressure/temperature gradients in each compartment so as not to compromise the sterilization step. [2:34-60]

To perform the object sterilization, the objects are *carried* through the apparatus via conveyor belt and thereby *enveloped entirely* by the apparatus. See FIGS. 3A and 3B. Due to the specific structure of the apparatus and its function, the *entire* object is subjected to the sterilization process, which concerns exposing the *entire* object to high heat. 4:3-8; 4:55-5:13. Beswick is critically silent about

disclosing, or even suggesting any features that would allow a portion of the object to be maintained outside the sterilization chamber during the sterilization process. Indeed, the incorporation of such a structure would be conceptually and technically incompatible with the purpose of Beswick, i.e., to sterilize entire objects for further use.

Beswick neither shows nor suggests the claimed feature of a slot formed in a wall and adapted to allow the passage of the neck of the bottles so as to keep the neck of the bottles outside the furnace and treating area while the bottles are being moved through the treating area. There is no structure disclosed in Beswick defining an opening for bottle necks. The Beswick device is not even concerned with the treatment and preparation of bottles. Instead, Beswick discloses a device designed to sterilize objects for further use. On this basis, Beswick should not properly be considered analogous art. Even if considered analogous, Beswick falls far short of anticipating Applicants' claims. There is simply no disclosure or suggestion in Beswick of a slot formed in a wall for receiving bottle necks.

In contradistinction, Applicants' invention, as claimed, includes a chamber with at least one wall having a slot for allowing the necks of bottles being treated in the chamber to remain outside of the treating area while the bottles are passed through the treating area. Neither Beswick nor any of the previously cited references in combination with Beswick show or suggest such a feature. Although the previously cited references have been interpreted to show such a feature, the analysis given in support of the noted rejections contained several substantial errors of fact that rendered the rejections improper and warranted reversal. Each error and the implications arising therefrom were explained in great detail in the prior amendment and response. Applicants note with appreciation that the explanations

of those errors have not been challenged in the pending office action.

Beswick, in fact, is a further departure from Applicants' claimed invention than the prior cited references in another significant manner. Beswick discloses the heating element used to raise the temperature of the sterilization chamber to be positioned in an upper section of the sterilization chamber. *See generally, FIGS. 1 and 3A*. Heated air produced by the heaters of Beswick flows through a series of downwardly facing plenums, around the objects, and then migrates into a *lower chamber 67* of the sterilization segment. [4:60-5:6]. It is indisputable that the heaters of Beswick are positioned in an upper section of the sterilization apparatus. Nothing in Beswick suggests otherwise.

In complete contrast, Applicants claimed device includes a furnace and heating elements positioned in a lower area of the device. Beswick shows no such configuration. As such, the Beswick apparatus is a complete departure from Applicants' claimed design with respect to this claimed feature.

Beswick is deficient in a third manner. The Beswick apparatus transfers objects through the sterilization apparatus with the use of a conveyor belt upon which the objects ride. The apparent force(s) used to maintain the objects on the conveyor system are gravity and friction. *See generally, FIGS. 3A, 3B, 5, 6 and 7; [3:43-56; 4:3-6]*.

Applicants' claimed invention includes a chain with a plurality of chucks to mechanically grip each bottle and pass each bottle outside a wall, element V of claim 12. No such feature is shown or suggested by Beswick. As stated, there is no opening disclosed in Beswick adapted to allow the passage of the neck of the bottles while being gripped by the chucks so as to keep the neck of the bottles outside the furnace as there is no structure disclosed defining an opening. Assuming bottles are

the objects passing through the Beswick apparatus, the necks of the bottles are exposed to the heat of the heating elements as are the rest of the parts of the bottles.

For these reasons, application of Beswick as an anticipatory reference is improper. Accordingly, Applicants respectfully request reconsideration and removal of the rejections of claims 12-14 under § 102(b).

III. Conclusion:

For all the foregoing reasons, the claims are considered to define patentably over the prior art. Reconsideration is requested and favorable action is solicited.

Respectfully Submitted,

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